

Central Coast Regional Water Quality Control Board

January 19, 2023

Big Basin Water Company, Inc.
c/o Thomas J Moore
16595 Jamison Creek Road
Boulder Creek, CA 95006
Email: sjm16595@gmail.com

Via Electronic Mail

Dear Thomas J Moore:

ENFORCEMENT PROGRAM: BIG BASIN WOODS SUBDIVISION WWTP, HWY 236 AND FALLEN LEAF DRIVE, BOULDER CREEK, SANTA CRUZ COUNTY – NOTICE OF VIOLATION FOR FAILURE TO SUBMIT REPORT OF WASTE DISCHARGE

The California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) is a state regulatory agency with the responsibility for protecting the quality of the waters of the state within its area of jurisdiction. The Central Coast Water Board has authority to require submission of information, direct action, establish regulations, levy penalties, and bring legal action when necessary to protect water quality. This notice of violation is to notify Big Basin Water Company, Inc. of an alleged violation for failing to comply with the requirement to submit a report of waste discharge and potential monetary penalties for this violation.

Background

The Central Coast Water Board regulates the treatment and disposal of wastewater from the Big Basin Woods Subdivision Wastewater Treatment Plant (WWTP), located at Hwy 236 and Fallen Leaf Drive, Boulder Creek, Santa Cruz, California, under Central Coast Water Board's *Waste Discharge Requirements Order No. 97-26* (Permit No. 97-26). Big Basin Water Company, Inc. is responsible for complying with Permit No. 97-26 requirements.

On May 20, 2022, the Central Coast Water Board issued a requirement for Big Basin Water Company, Inc. to submit a report of waste discharge (also known as an application or a notice of intent) to enroll in the *State Water Resources Control Board General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems Order WQ 2014-0153-DWQ* (Small General Permit). The Big Basin Water Company Inc. was required to submit the report of waste discharge by June 20, 2022, pursuant to California Water Code section 13260 (13260 Order). A copy of the 13260 Order is attached to this notice of violation for reference.

JANE GRAY, CHAIR | MATTHEW T. KEELING, EXECUTIVE OFFICER

Alleged Violation

To date, the Central Coast Water Board has not received a report of waste discharge from the Big Basin Water Company, Inc. to enroll waste discharges from the WWTP in the Small General Permit. During the September 22, 2022 inspection, Central Coast Water Board staff reminded the representative for Big Basin Water Company, Inc. about the 13260 Order. In the November 10, 2022 notice of violation for wastewater treatment system operations, the Central Coast Water Board again reminded Big Basin Water Company, Inc. of the outstanding 13260 Order. Big Basin Water Company, Inc.'s failure to submit the report of waste discharge to enroll in the Small General Permit is a violation of California Water Code section 13260.

Potential Liabilities

To avoid continued accrual of civil administrative liability penalties of up to \$1,000 per day for each day the violations occurs, the Big Basin Water Company, Inc. must immediately submit a completed report of waste discharge to enroll waste discharges from the WWTP in the Small General Permit as described in the attached 13260 Order. Failure to provide the required information may subject the Big Basin Water Company, Inc. to enforcement action by the Central Coast Water Board, including civil administrative liability penalties of up to \$1,000 per day for each day the violation occurs, pursuant to California Water Code section 13261.

California Water Code section 13261 states, in relevant part:

- (a) Any person failing to furnish a report or pay a fee under section 13260 when so requested by a regional board is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).
- (b) (1) Civil liability may be administratively imposed by a regional board ... in an amount that may not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

If the Central Coast Water Board imposes a penalty, the Big Basin Water Company, Inc. must still submit a completed report of waste discharge to enroll in the Small General permit. As of the date of this notice of violation, the Big Basin Water Company, Inc. is 213 days late in submitting a completed report of waste discharge to enroll in the Small General Permit and subject to a maximum penalty of \$213,000.

The Central Coast Water Board reserves its right to take any enforcement action authorized by law, including seeking penalties for unauthorized discharges.

If you have a questions, please contact Central Coast Water Board staff **Danial Woldearegay at (805) 549-3892, Danial.Woldearegay@Waterboards.ca.gov**, or Mark Lemus at (805) 549-3703, Mark.Lemus@Waterboards.ca.gov, or Jennifer Epp at (805) 594-6181, Jennifer.Epp@Waterboards.ca.gov.

Sincerely,

for Thea S. Tryon
Assistant Executive Officer

Attachment: May 20, 2022 California Water Code section 13260 Requirement to Submit
Report of Waste Discharge

cc:

Santa Cruz County

Matthew Machado, Director of Community Development & Infrastructure

matt.machado@santacruzcounty.us

Carolyn Burke, Assistant Director of Community Development & Infrastructure, Permit
Center, Carolyn.Burke@santacruzcounty.us

Kent Edler, Assistant Director of Community Development & Infrastructure, Sanitations
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David Reid, Director of the Office of Response, Recovery & Resilience,
David.Reid@santacruzcounty.us

Andrew Strader, Interim Director of Environmental Health,
andrew.strader@santacruzcounty.us

Santa Cruz District Attorney's Office

Edward T. Browne, Assistant District Attorney, Edward.Browne@santacruzcounty.us

California Public Utilities Commission

Bruce DeBerry, Water Division Program Manager, bruce.deberry@cpuc.ca.gov

Moises Chavez, Water Division Program and Project Supervisor,
moises.chavez@cpuc.ca.gov

California Department of Fish and Wildlife

Jeff Heitzenrater, Lieutenant Supervisor Jeff.Heitzenrater@wildlife.ca.gov

Kristy Emershay, Warden, Kristy.Emershay@wildlife.ca.gov

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State Water Resources Control Board

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Central Coast Water Board

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Tamara Anderson, Tamara.Anderson@waterboards.ca.gov

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WDR Program, RB3-WDR@Waterboards.ca.gov

ECM/CIWQS = 209483

GeoTracker No. = WDR100027894

ECM Subject Name = NOV for failure to comply with 13260 directive for Big Basin
Woods Subdivision

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Central Coast Regional Water Quality Control Board

May 20, 2022

Big Basin Woods Subdivision
Po Box 197
Boulder Creek, CA 95006
Email: bbwater197@yahoo.com

Sent Via Electronic Mail

Dear Big Basin Woods Subdivision,

**BIG BASIN WOODS SUBDIVISION, HWY 236 AND FALLEN LEAF DRIVE,
BOULDER CREEK, SANTA CRUZ COUNTY – REQUIREMENT FOR NOTICE OF
INTENT / REPORT OF WASTE DISCHARGE FOR DISCHARGES OF DOMESTIC
WASTEWATER**

Big Basin Water Company is currently enrolled in Order No. 97-026, individual waste discharge requirements for discharges of domestic wastewater to land from the Big Basin Woods Subdivision (individual permit). On September 23, 2014, the State Water Quality Control Board adopted *Order WQ 2014-0153-DWQ, General Waste Discharge Requirements for Small Domestic Wastewater Treatment Systems (Small General Permit)* which provides regulatory coverage for wastewater systems with a monthly average flow rate of 100,000 gallons per day or less. Central Coast Regional Water Quality Control Board (Central Coast Water Board) staff reviewed the available documents associated with your wastewater system and determined that your facility would be more appropriately regulated under the Small General Permit.

A copy of the **Small General Permit** can be obtained at the following link:

https://www.waterboards.ca.gov/centralcoast/board_decisions/adopted_orders/2014/2014%20small%20domestic%20GP.pdf

REQUIREMENT FOR A NOTICE OF INTENT

The Central Coast Water Board requires that the Big Basin Water Company submit a notice of intent serving as an application (also referred to as a report of waste discharge) for enrollment of Big Basin Water Company in the Small General Permit for discharges from the Big Basin Woods Subdivision by **June 20, 2022**.

The notice of intent must be completed electronically using the application form found at the following web location, under the heading “Permit Application to Discharge Less than 100,000 GPD of Domestic Wastewater (Central Coast Region)”:

https://www.waterboards.ca.gov/centralcoast/water_issues/programs/wastewater_permiiting/

The web location above also includes a link to the application questions and instructions on how to apply.

The Central Coast Water Board’s requirement that Big Basin Water Company submit a notice of intent is made pursuant to section 13260 of the California Water Code.

Once the Central Coast Water Board deem Big Basin Water Company’s application complete, the Central Coast Water Board will terminate the individual permit and issue a notice of applicability. Issuance of the notice of applicability authorizes coverage and enrollment of the Big Basin Water Company in the Small General Permit for discharges from the Big Basin Woods Subdivision. Big Basin Water Company must comply with the conditions of the Small General Permit upon receipt of the notice of applicability.

SUMMARY OF REGULATORY PERMIT COVERAGE

The permit history for Big Basin Water Company’s, Big Basin Woods Subdivision, is provided in Table 1.

Table 1: Big Basin Woods Subdivision Permit History

Order No.	Start Date	End Date
Waste Discharge Requirements Order No. 97-026 for Big Basin Water Company	12/5/1997	Present ¹

- ¹. Big Basin Water Company’s existing individual permit will be terminated upon the Central Coast Water Board’s issuance of a notice of applicability enrolling the wastewater facility into the Small General Permit.

PERMIT FEES

No application fee is required, as Big Basin Water Company paid its annual fee on March 15, 2022 for coverage under the existing individual permit. Big Basin Water Company must continue to pay an annual fee to maintain permit coverage. The facility is currently assigned a threat and complexity rating of 3B which currently has an associated permit fee of \$3,743. Fees are charged (and updated) annually and are based on threat and complexity ratings, and the treatment technology employed. Threat and complexity ratings are defined in the fee schedule listed in California Code of Regulations, title 23, section 2200 and available at:

https://www.waterboards.ca.gov/resources/fees/water_quality/#wdr

LEGAL REQUIREMENTS

Pursuant to California Water Code section 13260, Big Basin Water Company must file a report of waste discharge (also referred to as a notice of intent) serving as an application for enrollment in the Small General Permit. Pursuant to California Water Code section 13261, failure to furnish a notice of intent by **June 20, 2022**, may subject Big Basin Water Company to administrative civil liability (monetary penalties) of up to \$1,000 for each day of violation. If the Central Coast Water Board imposes a penalty, the required information still needs to be submitted. The Central Coast Water Board reserves the right to take any enforcement action authorized by law.

The Central Coast Water Board recommends that Big Basin Water Company immediately review the Small General Permit and coordinate with the Central Coast Water Board to determine the site-specific effluent limitations for their treatment technology and underlying groundwater basin. For questions regarding this letter, please contact Central Coast Water Board staff **Danial Woldearegay at (805) 549-3892** or Danial.Woldearegay@Waterboards.ca.gov, or Jennifer Epp at (805) 594-6181.

Sincerely,

Jennifer Epp  Digitally signed by Jennifer Epp
Date: 2022.05.20 12:37:54 -07'00'
Water Boards

for Matthew T. Keeling
Executive Officer

cc:

Danial Woldearegay, danial.woldearegay@waterboards.ca.gov
Jennifer Epp, Jennifer.Epp@Waterboards.ca.gov
WDR Program, RB3-WDR@Waterboards.ca.gov

ECM/CIWQS = 209483

GeoTracker No. = WDR100027894

Rev 5/10/2022

ECM Subject Name = 13260 for Big Basin Woods Subdivision

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